

Tuscaloosa News

Legal Services Avoids Budget Cut

\$19 million Congressional appropriation is good news for the national nonprofit's Tuscaloosa office

By Stephanie Hoops

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Congress stepped in Thursday to pass a \$19 million appropriation for Legal Services Corp., which serves the legal needs of the poor through state programs nationwide.

The appropriation was good news for the six lawyers, one paralegal and three secretaries who work at Tuscaloosa's Legal Services office and receive salaries much less than those of employees at private law firms.

"I'm ecstatic," said Willie Mays Jones, managing lawyer of the Tuscaloosa office. "We didn't know what was going to happen."

The infusion of funds effectively saved Alabama's Legal Services programs, which have been scrambling to find funding amid layoffs and benefit cuts.

Congress' appropriation for LSC takes it from a budget of \$329.3 million to \$348.4 million, which will be divvied up nationwide. And it means Alabama won't have a half-million dollars cut from its budget as had been expected. Instead, it will receive \$6.4 million for fiscal year 2003, the same as last year, said national LSC spokesman Eric Kleiman.

"It was like pennies from heaven," Kleiman said.

But Alabama's Legal Services programs still lack funds, said Tracy Daniel, executive director of the Alabama Law Foundation.

"We're just treading water," said Daniel, whose organization gives money to LSC programs in Alabama.

Daniel said funding must be doubled in the next five years if Legal Services is to continue to meet the needs of the poor. Alabama spends less than \$11 per eligible person on Legal Services, and the national average is \$20. The state is at the bottom of the nation in funding the services.

"We are dead last," said Melinda Waters, executive director of Legal Services Corp. of Alabama, the largest of the state's three LSC programs.

Alabama's Legal Services programs have been working with a statewide task force to find a way to improve its system. They've presented LSC in Washington, D.C., with a proposal to centralize the services into one program, which the national office is expected to accept or reject next week.

Consolidation would be a big change because the state has been operating for decades with three programs, which together serve the state's 67 counties. Waters' program serves 60 counties, including Tuscaloosa. The other two are Legal Services of Metro Birmingham, which serves Jefferson and Shelby counties; and Legal Services of North Central Alabama, which serves Madison, Jackson, Morgan, Limestone and Cullman counties.



From left, Mary Frances and Artis McKinney talk to Willie Mays Jones, managing lawyer at Legal Services' Tuscaloosa office.

"The main problem we're facing today is the fact that there are [698,079] people living at or below the federal poverty guidelines in Alabama and we have, in our 60 counties, 45 lawyers to serve 76 percent of that population," Waters said.

The Alabama State Bar Volunteer Lawyers Program helps the state to some extent. Linda Lund, program director, said 25 percent of lawyers with an active license volunteer. Some churches have programs as well, but Lund said she has no data on them.

"I can't tell you how important I think a Legal Services program is, not only for Alabama but for our country and system of government," Lund said.

"If a large portion of our population has no access to the third tier of government, they're basically ostracized."

Even with the volunteer lawyers, however, only 10 percent of the need is being met, Daniel said.

Washington D.C.-based Legal Services Corporation, a private, non-profit organization established by Congress in 1974, provides 85 percent of the funding for Legal Services programs nationwide.

Alabama's funding comes primarily from the national LSC, with other funds coming from federal and private grants, the Alabama State Bar Interest on Lawyers Trust Accounts program and private donations.

The people who use Legal Services include veterans, family farmers and people with disabilities. Legal Services provides lawyers to help them only with civil legalities, such as consumer, family, housing and employment law matters. The services are free. Only those whose incomes do not exceed 125 percent of the federal poverty level qualify for the services.

Mary Frances McKinney saw her lawyer at Tuscaloosa's Legal Services office Friday. McKinney's house was sold in October on the Tuscaloosa County Courthouse steps after she and her husband were sued by a local business. Legal Services is trying to get it back for the elderly couple.

McKinney said she wouldn't know what to do if Legal Services weren't around.

"We'd probably lose everything we had if we didn't have this place," she said.

In West Alabama, abused women make regular use of Legal Services as well.

Last year at Tuscaloosa's Turning Point Domestic Violence Sexual Assault Services, half of the 160 women who sought shelter used Legal Services, said executive director Kathy Benitez.

"I had a client come in off the street one day and she said, 'I'm really afraid he's going to kill me this time, I need a protection from abuse order.'" Benitez said. "So I immediately called Legal Services and their attorney made an appointment with her, worked her in that afternoon. That's just one recent example."

The lawyers who work for Alabama's programs are not highly paid. Starting pay is only \$31,196, Waters said. Tax records show Waters earned around \$65,000 in 2000. By comparison, tax records show the director of the program at the Atlanta Legal Aid Society earned upwards of \$80,000 during that time.

But those who work for Legal Services in Alabama say the money is not why they entered the field.

"Having grown up poor myself, I know that a lot of people are taken advantage of and need someone to advocate for them," said Jones.

Jones has been with LSC of Alabama's Tuscaloosa office since 1986. Raised in housing projects, she took the job after graduating from the University of Alabama School of Law because she wanted to give back to her community.

"I could have gone to a law firm and I would have made more money – a lot more money," Jones said. "I know that I'm not getting paid as much as I could in the private sector, but I'm doing a lot of good work for people who really need it."

Waters said she'd like to get an appropriation from the state legislature to help Legal Services in Alabama, but she realizes that is unlikely, given the state of the economy. A better option might be to tack a filing fee onto new cases filed in state courts, with the money going to help fund Legal Services, she said. That is how indigent criminal defenders get paid.

"We can't lobby," she said. "We do not have paid lobbyists and we are, in fact, a non-profit public interest law firm and that kind of approach to the legislature would require a lot of education."

Waters said the organization is already making difficult decisions about who to turn away.

"Unfortunately our clients, being poor, have nowhere else to turn for legal representation," she said. "So unlike people who are fortunate enough to be able to afford attorneys and can go to another lawyer, our clients are simply lost in the legal system if they cannot get access to it from us."

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